

**To:** Daly, Carl[Daly.Carl@epa.gov]  
**From:** Rothery, Deirdre  
**Sent:** Fri 3/11/2016 1:38:42 PM  
**Subject:** FW: U&O FIP routing for management concurrence

FYI...looks like we have resolution.

**From:** Boydston, Michael  
**Sent:** Thursday, March 10, 2016 4:32 PM  
**To:** Smith, Claudia <Smith.Claudia@epa.gov>; Rothery, Deirdre <Rothery.Deirdre@epa.gov>  
**Cc:** Sutin, Elyana <Sutin.Elyana@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>  
**Subject:** FW: U&O FIP routing for management concurrence

Hi Claudia and Dee –

# Ex. 5 - Attorney Client

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Vetter, Rick

**Sent:** Thursday, March 10, 2016 3:37 PM

**To:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>

**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>;  
Branning, Amy <[Branning.Amy@epa.gov](mailto:Branning.Amy@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>;  
Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>

**Subject:** RE: U&O FIP routing for management concurrence

Mike,

## Ex. 5 - Attorney Client

Rick

Richard H. Vetter

Richard H. Vetter

Attorney Advisor

Air & Radiation Law Office

Office of General Counsel

[vetter.rick@epa.gov](mailto:vetter.rick@epa.gov)

919-541-2127

**From:** Boydston, Michael  
**Sent:** Thursday, March 10, 2016 5:00 PM  
**To:** Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Branning, Amy <[Branning.Amy@epa.gov](mailto:Branning.Amy@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>  
**Subject:** RE: U&O FIP routing for management concurrence

Hi Rick –

## Ex. 5 - Attorney Client

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Boydston, Michael  
**Sent:** Monday, March 07, 2016 10:19 AM  
**To:** Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>; Branning, Amy <[Branning.Amy@epa.gov](mailto:Branning.Amy@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>  
**Subject:** RE: U&O FIP routing for management concurrence

## Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Vetter, Rick

**Sent:** Monday, March 07, 2016 9:07 AM

**To:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>

**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>;  
Branning, Amy <[Branning.Amy@epa.gov](mailto:Branning.Amy@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>;  
Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>

**Subject:** RE: U&O FIP routing for management concurrence

# Ex. 5 - Attorney Client

Richard H. Vetter

Richard H. Vetter

Attorney Advisor

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[vetter.rick@epa.gov](mailto:vetter.rick@epa.gov)

919-541-2127

**From:** Boydston, Michael

**Sent:** Monday, March 07, 2016 10:37 AM

**To:** Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>

**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>;  
Branning, Amy <[Branning.Amy@epa.gov](mailto:Branning.Amy@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>;  
Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>

**Subject:** RE: U&O FIP routing for management concurrence

## Ex. 5 - Attorney Client

Thanks for looking at this. In the end I'll go with whatever you recommend here.

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Vetter, Rick  
**Sent:** Monday, March 07, 2016 6:31 AM  
**To:** Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Branning, Amy <[Branning.Amy@epa.gov](mailto:Branning.Amy@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>  
**Subject:** RE: U&O FIP routing for management concurrence

Mike,

## Ex. 5 - Attorney Client

Rick

Richard H. Vetter

Richard H. Vetter

Attorney Advisor

Air & Radiation Law Office

Office of General Counsel

[vetter.rick@epa.gov](mailto:vetter.rick@epa.gov)

919-541-2127

**From:** Boydston, Michael

**Sent:** Sunday, March 06, 2016 5:46 PM

**To:** Vetter, Rick <[Vetter.Rick@epa.gov](mailto:Vetter.Rick@epa.gov)>; Branning, Amy <[Branning.Amy@epa.gov](mailto:Branning.Amy@epa.gov)>; Matsumoto, Kimi <[Matsumoto.Kimi@epa.gov](mailto:Matsumoto.Kimi@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>

**Cc:** Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Zenick, Elliott <[Zenick.Elliott@epa.gov](mailto:Zenick.Elliott@epa.gov)>

**Subject:** FW: U&O FIP routing for management concurrence

Hi all –

Coming soon to OGC. Version attached here has my recommendations to the program in R8, which I hope they'll be able to incorporate. A couple of things to flag:

## Ex. 5 - Attorney Client

- All: I may be able to make small adjustments in the next day or so by working with our program, so feel free to pass on edits to me, but it's possible that additional edits if any will need to happen at the OGC review stage after it leaves our region. Happy to work with you however needed to get things addressed.

Thanks for all your help getting us this far.

Mike

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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Boydston, Michael

**Sent:** Sunday, March 06, 2016 3:39 PM

**To:** Rothery, Deirdre <[Rothery.Deirdre@epa.gov](mailto:Rothery.Deirdre@epa.gov)>

**Cc:** Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Morales, Monica <[Morales.Monica@epa.gov](mailto:Morales.Monica@epa.gov)>; O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Schuller, Jennifer <[Schuller.Jennifer@epa.gov](mailto:Schuller.Jennifer@epa.gov)>; Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Logan, Paul <[Logan.Paul@epa.gov](mailto:Logan.Paul@epa.gov)>

**Subject:** RE: U&O FIP routing for management concurrence

Hi Dee and all -

I've finished reviewing the FIP. I do have a number of comments, but I don't think they require significant rewriting, so I'm hoping you'll be able to incorporate them even though I went beyond the "fatal flaw" mandate. In most cases it will be a simple matter of accepting the edit, if you agree with it. To summarize:

## Ex. 5 - Attorney Client

Thanks, and if you have any questions about the edits I'll be around this week.



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Michael Boydston

Associate Regional Counsel, EPA Region 8

303.312.7103

**From:** Rothery, Deirdre

**Sent:** Thursday, March 03, 2016 12:26 PM

**To:** O'Connor, Darcy <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>; Schuller, Jennifer <[Schuller.Jennifer@epa.gov](mailto:Schuller.Jennifer@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Sutin, Elyana <[Sutin.Elyana@epa.gov](mailto:Sutin.Elyana@epa.gov)>; Logan, Paul <[Logan.Paul@epa.gov](mailto:Logan.Paul@epa.gov)>

**Cc:** Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Smith, Claudia <[Smith.Claudia@epa.gov](mailto:Smith.Claudia@epa.gov)>; Beeler, Cindy <[Beeler.Cindy@epa.gov](mailto:Beeler.Cindy@epa.gov)>; Morales, Monica <[Morales.Monica@epa.gov](mailto:Morales.Monica@epa.gov)>

**Subject:** U&O FIP routing for management concurrence

**Importance:** High

Hi everyone,

As I have mentioned, we are beginning routing of the U&O FIP package. The package will travel from the Air Program to ORC then to OPRA and then to the RAs office. I have dropped the hard copy package off in ORC and am sending this email to folks as an advance copy in case you are too excited to wait for the hard copy to come your way and want to dive into the electronic version. Once we have Shaun's signature, the FIP will travel to OAQPS, OGC, OAR. OAR will transmit the package to OP and then OP will transmit it to OMB. We would kindly ask that your edits focus on fatal flaws at this point, since we are still hoping to finalize this rule late summer and in order to accomplish that, we need to move this package swiftly. Let me know if you have any questions.

Thanks in advance,

Dec